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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JANE DOE,

12 Plaintiff,

13 vs.

14 CITY OF SAN DIEGO, et al.,

15 Defendants.

CASE NO. 12-cv-689-MMA-DHB

**NOTICE AND ORDER
PROVIDING TENTATIVE
RULINGS REGARDING
PENDING MOTIONS FOR
SUMMARY JUDGMENT**

16 Currently pending before the Court, and set for hearing on Tuesday, February
17 25, 2014, are three summary judgment motions filed respectively by Plaintiff Jane
18 Doe, the individual supervisor defendants (“Supervisor Defendants”), and the City
19 of San Diego. [Doc. Nos. 191, 201, 202.] Having considered the submissions of the
20 parties, and in anticipation of Tuesday’s hearing, the Court hereby issues the
21 following tentative rulings:

22 The Court tentatively **GRANTS** Plaintiff’s motion for summary judgment.
23 [Doc. No. 202.] The Court tentatively finds that Defendant City of San Diego has
24 not raised a triable issue of fact regarding whether Defendant Arevalos was acting
25 within the scope of his employment at the time of his alleged acts against Plaintiff
26 Jane Doe. Moreover, the Court tentatively finds that there is no genuine factual
27 dispute regarding whether Defendant Arevalos sexually assaulted and battered
28 Plaintiff Jane Doe.

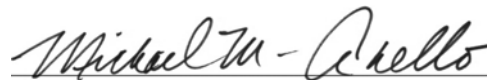
1 The Court tentatively **GRANTS in part** and **DENIES in part** the Supervisor
2 Defendants' motion for summary judgment. [Doc. No. 191.] The Court tentatively
3 finds that Plaintiff has raised triable issues of fact regarding whether Defendants Tai,
4 Hollister, Guevara, and Bejarano were deliberately indifferent to Plaintiff's
5 constitutional rights under 42 U.S.C. § 1983. However, the Court tentatively finds
6 that Plaintiff has not raised triable issues of fact with respect to the remainder of her
7 claims against the Supervisor Defendants.

8 Finally, the Court tentatively **DENIES** Defendant City of San Diego's motion
9 for summary judgment of Plaintiff's claim pursuant to 42 U.S.C. § 1983. [Doc. No.
10 201.] The Court tentatively finds that Plaintiff has raised triable issues of fact
11 regarding whether a custom within the San Diego Police Department of covering up
12 officer misconduct constituted the moving force behind Plaintiff's constitutional
13 injury.

14 Counsel are advised that the Court's rulings are tentative, and the Court will
15 entertain additional argument at the hearing on February 25, 2014. The parties shall
16 have a combined total of two (2) hours to present their arguments. The time shall be
17 divided equally between each side, and counsel shall be responsible for keeping time
18 and reserving time as necessary for response, rebuttal, or both.

19 **IT IS SO ORDERED.**

20 DATED: February 24, 2014

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22 Hon. Michael M. Anello
23 United States District Judge
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